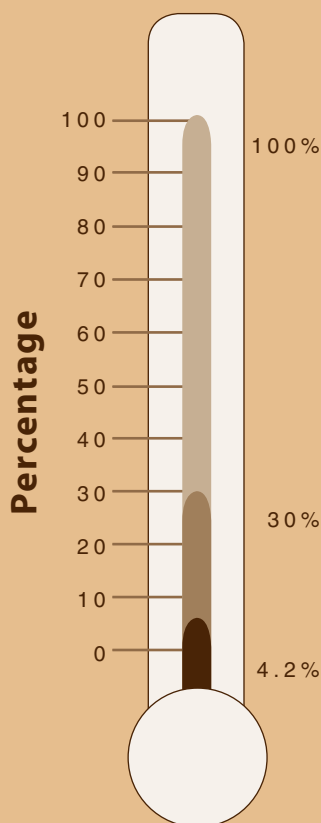




# UMHLABA WETHU

A quarterly bulletin tracking land reform in South Africa | June 2005

## LAND BAROMETER



### Redistribution

- ☐ Total commercial agricultural land
- ☐ Official target for 2015
- ☒ Delivered between 1994 and September 2004

Source: Minister of Agriculture and Land Affairs, 18 October 2004

## Welcome

to the third issue of *Umhlaba Wethu*, the quarterly update on land and agrarian reform in South Africa from the Programme for Land and Agrarian Studies at the University of the Western Cape. In this edition, we bring you a range of news and views on recent developments in the sector.

Recent months have seen a number of important developments, both within and outside of government. Glen Thomas was appointed Director-General in the Department of Land Affairs. He was acting in this position after the departure of Dr Gilingwe Mayende. In the National Department of Agriculture (NDA), Masiphula Mbongwa was recently appointed as the new DG. We trust these appointments will contribute to enhanced delivery of land and support services to the rural poor.

In February, the Minister of Agriculture and Land Affairs announced the extension of the presidential deadline for the settlement of all outstanding restitution claims from 2005 until the end of 2007. While the 2005 deadline was widely seen as unrealistic, it did bring a much-needed sense of urgency to the restitution process, which hopefully will be maintained until all claims are settled.

Also in February, the national budget for DLA brought a dramatic increase in the funding available for land reform, particularly the settlement of restitution claims. The NDA budget also brought in significant new resources for small and emerging farmers in the form of the Comprehensive Agricultural Support Programme and the Micro Agricultural Finance Scheme (see Budget brief on page 2).

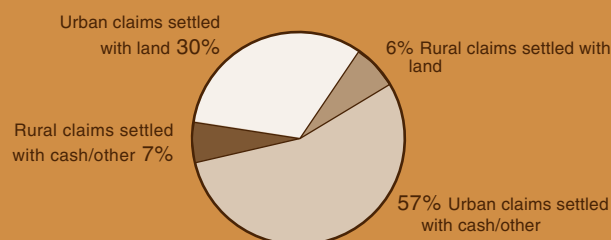
In April, the Minister revealed plans for a Summit on Land and Agriculture and a Land March proposed for July 2005 in Gauteng. It does present an opportunity to raise critical issues around the direction of land and agrarian reform. Another major development in the sector in recent months has been the decision by the National Land Committee to close down its national office and take steps to restructure the network.

Finally, PLAAS is proudly celebrating its 10th anniversary this year. On 1 July 2005 we will host a celebratory symposium reflecting on ten years of applied research and policy engagement in relation to land reform, agrarian change, poverty reduction, fisheries policy and natural resource management. We hope you will join in the debate and celebrate with us.

## Land restitution

- In March 2004 the total number of land claims lodged stood at 79 693.
- Approximately 80% of claims have been settled to date, most of these being in urban areas and most settled with cash compensation
- Of the outstanding 22 989 claims, approximately 9 000 are located in the rural areas, particularly in Limpopo, Mpumalanga and KwaZulu-Natal.
- Only 6% of rural claims have been settled with a land transfer.
- By August 2004, 810 292ha of land had been transferred through the restitution programme.

**Figure 1: Settlement of urban and rural restitution claims: by land, cash and other compensation (as at 31 March 2004)**



Source: Commission on the Restitution of Land Rights. 2004. Restitution statistics. <http://land.pwv.gov.za>

## In this edition:

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PROGRESS FOR LAND AND AGRARIAN STUDIES

# Budget brief: Land reform budget 2005/06

The national Budget unveiled in February showed a dramatic increase in funding for land reform and related activities for the financial year 2005/06. The budget of the Department of Land Affairs rose by 91% on the previous year, with further above-inflation growth predicted for subsequent years. Substantial sums were also allocated for farmer support in the budget of the National Department of Agriculture.

The most dramatic increase was in the allocation for restitution which rose to nearly R2.7 billion, a 134% increase on the R1 billion spent in 2004/05. During the next three years, additional resources are to be made available: R3.3 billion in 2006/07 and R3.8 billion in 2007/08. In all, R13.4 billion is to be spent on restitution grants between 2004/05 and 2007/08, of which R10.5 billion is to be spent on restitution grants alone with R760 million allocated for the administrative and support services provided to

the programme by the national and regional offices.

The land reform budget – to support land redistribution and tenure reform – will also enjoy substantially increased funding up from R770 million in 2004/05 to R1016 million in 2005/06 (an increase of 55.56%). Of this, the greatest amount is allocated to land reform grants which are expected to increase from R345 million this year to R564 million in 2005/06, R774 million in 2006/07, and R1.1 billion in 2007/08, or a total of R2.4 billion over the next three years. At current prices, this is unlikely to be sufficient to enable government to achieve its target of redistributing 30% of agricultural land by 2015.

Only R64.5 million is allocated (in total) over the next three years to finance the implementation of the Communal Land Rights Act. This money is to be used to implement seven pilot projects over the next three years.

No funds have been specifically earmarked in the budget for the provision of tenure security to farm dwellers and labour tenants. These remain largely neglected groups, as the bulk of funds designated for land reform are consumed by the Land Redistribution for Agricultural Development (LRAD) programme.

A sum of R250 million was allocated by the National Department of Agriculture for the Comprehensive Agricultural Support Programme (CASP), much of which is expected to benefit land reform beneficiaries. Further amounts of R300 million and R415 million are projected for 2006/07 and 2007/08, respectively. In addition, the NDA has launched a new Micro Agricultural Finance Scheme (MAFS), aimed at small-scale producers, with an allocation of R150 million in 2005/06, rising to R200 million in 2006/07 and to R250 million in 2007/08.

## Department of Land Affairs (R millions)

Budget line	2003/04	2004/05	2005/06		2006/07		2007/2008	
	R	R	R	Year-on-year increase %	R	Year-on-year increase %	R	Year-on-year increase %
'Land Reform'	454	495	770	55.56	1 016	31.95	1 349	32.78
'Restitution'	839	1 156	2 706	134.08	3 369	24.50	3 838	13.92
<b>Total: Restitution plus Land Reform</b>	<b>1 293</b>	<b>1 651</b>	<b>3 476</b>	<b>110.54</b>	<b>4 385</b>	<b>26.15</b>	<b>5 187</b>	<b>18.29</b>
Total Land Affairs*	1 608	2 032	3 882	90.99	4 815	24.07	5 637	17.07

\* Includes Administration, Surveys and Mapping, Cadastral Surveys etc.

Source: National Treasury. 2005. *Estimate of national expenditure*.

## Budget highlights

- Total DLA budget up by 91%, from R2.032 billion in 2004/05 to R3.881 billion in 2005/06.
- Total for restitution up by 134%, from R1.16 billion to R2.71 billion.
- Total for 'land reform' (that is, redistribution and tenure reform) up by 55.6%, from R495 million to R770 million.
- NDA allocates R250 million for Comprehensive Agricultural Support Programme grants.
- NDA introduces the new Micro Agricultural Finance Scheme, with an allocation of R150 million in the first year.

## Policy update

The National Department of Housing released a draft Farm Worker Housing Policy in March 2005. The goal of the policy is to facilitate the creation of new housing stock and the upgrading and renovation of existing housing stock for farm occupiers and farm workers (including non-resident workers and other personnel active in the agricultural sector such as domestic and security workers and their dependants). It proposes to do this through using existing subsidy instruments, where applicable, and through the provision of subsidies to farm owners. A public consultation process on the draft policy is underway.

## Land claim update

**Richtersveld Claim, Case LCC151/98, Land Claims Court, Cape Town, 25 April 2005**

*In October 2003, the Constitutional Court confirmed the Richtersveld community had a valid land claim. Richtersvelders are now making representations to the Land Claims Court on the restitution package, which may include restoration of ownership and financial compensation.*

The community's claim extends over three areas: a) restoration of claimed land; b) compensation for the diminution of value of the land by the extraction of minerals over 75 years; c) rehabilitation of environmental damage or compensation for such

damage. The court will hear evidence on the value of the diamonds taken from the land over 75 years and fair compensation for royalties that would have been payable, as well as the current value and potential value of the Alexkor mining operations, and the value of improvements to the land.

These valuations were prepared by qualified independent experts whose evidence would be accepted in court. The witnesses included a valuer, a mining engineer, a historian, an anthropologist, an environmental engineer and surveyor, and an agricultural

economist. The Richtersveld community led evidence on the extreme hardship and emotional suffering that they and their forebears suffered as a result of the dispossession.

The restitution package proposed by the Richtersveld community is intended to achieve restitution in a manner that promotes black economic empowerment and long-term sustainable economic development for the broader Namaqualand community and region.

**Contact:** Anthea Billy, Legal Resources Centre ([anthea@lrc.org.za](mailto:anthea@lrc.org.za))

## SACP resolution on land and agrarian reform

At a recent Special National Congress held in Ethekwini on 8–10 April, the South African Communist Party (SACP) passed a comprehensive resolution on redistributive land and agrarian reform. This marks a further stage in the SACP's 2004 Red October Campaign *Mawubuye Umhlaba*.

Among other things, the SACP:

- reaffirmed the demands of the 2004 Red October Campaign for the release of productive land to the landless including a call to white farmers and other landowners to release land for productive use by the landless
- resolved that the Party must continue opposing the shift away from land reform as a programme aimed at the rural poor and landless to one aimed at the creation of a

new class of commercial farmers (including the development of practical alternatives on post-transfer support and the integration of land reform within a wider programme of rural development and agrarian reform)

- resolved to intensify work and campaigns to test the limits of Section 25 of the Constitution (the so-called 'property rights clause') through struggling for change in relevant market-based policies and legislation, constitutional challenges through test cases affecting communities, the local-level mobilisation of communities, and informed progressive public debate on property rights
- directed branches and districts to monitor living and working conditions on farms and undertake

local campaigns on cases of abuse, exploitation and racism

- directed the Central Committee to develop a framework on the occupation of land (whether it can be used effectively in a disciplined and orderly way in the struggle for land, and linked to mass-driven land audits, local land needs, mobilisation around unused land, and the productive use of land)
- called on Party branches and districts to prepare for mass mobilisation around the social dialogue process, in particular the collection of land and agrarian demands from the people through district-level land audits and conferences and people's forums of the landless.

**Contact:** Solly Mapaila, SACP, ([solly@sacp.org.za](mailto:solly@sacp.org.za))

# The Vulamasango Singene Campaign

Civil society has devised and implemented an advocacy strategy aimed at ensuring that victims of betterment dispossession in the Eastern Cape are not denied their constitutional right to restitution. This strategy has taken the form of the Vulamasango Singene ('open the door so that we can come in') campaign and has three thrusts: community mobilisation, building a critical mass of organisational support, and negotiating with government.

The Eastern Cape is the poorest province in the country and the homelands are the poorest parts of that province. Over 70% of people in these areas are poor. Unfortunately, the trend of worsening poverty has not been arrested since 1994 – in fact, there has been a steady deterioration. Clearly, the efforts that government has made to address the problem have been inadequate. Supplementary programmes and strategies are urgently required.

## Background

'Betterment' planning was implemented in the former homelands and other so-called black areas from the 1930s onwards in an attempt to regulate these areas and control land usage. Under betterment, designated areas were divided into distinct land use zones for residential, arable and grazing usage, and all people were forced to move into the demarcated residential zones. Furthermore, people were also dispossessed of arable and grazing land through betterment. According to the 1983 publication *Surplus People Project*, 'betterment has forcibly removed more people in more places with greater social consequences and provoking more resistance than any other category of forced removal in

South Africa' (Vol. 2:110). Betterment probably dispossessed 2.5 million South Africans.

The land policy of the democratic government was spelt out in DLA's 1997 White Paper on South African Land Policy. One of the most fundamental weaknesses of the policy was that it did not address the injustice or the legacy of betterment. Crucially, the White Paper argued that victims of betterment removals did not have valid restitution claims. The Eastern Cape Land Claims Commission acted to counter government's prejudicial treatment of victims of betterment dispossession by deciding that the Restitution of Land Rights Act only applied to former 'white' South Africa. For this reason, communities in the former Ciskei and Transkei homelands were overlooked during the lodgement phase of the restitution process. Consequently, only about 5% of betterment claims were lodged before the submission deadline in December 1998.

A government task team recently estimated that the value of land rights dispossessed through the betterment in the former Ciskei and Transkei was R12.8 billion. Government's revised policy on betterment claims states that a standard approach to restitution awards – one that promotes development – should be applied. It is therefore clear that re-opening the opportunity to lodge claims would enable the beginning of a development process in the former homelands that would play a major role in poverty eradication and economic development.

## Progress

There are three main thrusts of the campaign:

**Community mobilisation:** The key to winning the campaign is the extent to which affected communities are mobilised. There are approximately 1 250 communities in the former Ciskei and Transkei which were dispossessed through betterment. To date, approximately 100 of these communities have been organised, and collectively they constitute the foundation of the campaign. The highlight of community events to date was a rally held in Middledrift on 17 November 2004, which was attended by 3 900 members from just over 30 villages in the vicinity. Communities in the King Williams Town, Peddie, East London and Herschel areas are currently being organised.

## Building a critical mass of organisational support in the Eastern Cape:

It is necessary to achieve united support for the campaign amongst all important organisations in the province. At this stage, the campaign is being driven by collective leadership provided by the African National Congress (Eastern Cape), the Border Rural Committee, the Congress of South African Trade Unions (Eastern Cape), the Eastern Cape NGO Coalition, the Eastern Cape Provincial Council of Churches, and the South African Communist Party (Eastern Cape).

## Negotiations with government:

Campaigners have been negotiating with government for almost two years. The only structure that can effect the desired re-opening for betterment claimants in the Eastern Cape is the national Cabinet. We will continue to negotiate until the central campaign objective has been achieved.

**Contact:** Ashley Westaway,  
Border Rural Committee,  
(ashley@brc21.co.za)



# Tenure security for women farm workers

*The Women on Farms Project (WFP) recently made a submission to the National Department of Housing highlighting the need for adequate housing for women farm workers. Closely linked to housing is the need for security of tenure; consequently the submission also lays emphasis on the need to review farm tenure legislation. This is an edited version of the submission.*

Women who live and work on farms suffer livelihoods of greater insecurity than ever before. This can be ascribed to a range of factors, including the strong rand, South Africa's re-entry into the world market, a world-wide wine glut, and the rapid mechanisation of farms. However, much of the erosion of farm women's livelihoods can also be attributed to the unanticipated backlash from farmers in response to the range of legislative measures introduced by government since 1994. The introduction of this range of laws aimed at protecting the rights of farm workers actually saw perverse unintended outcomes as farmers responded by dramatically increasing the rate of eviction of farm worker families.

Evictions are often a result of the restructuring of a business, the sale of the farm, or a cut in the permanent labour force. Often no alternative is made available to farm workers. Even in cases where farm workers have the necessary knowledge about applicable laws, they often lack the basic resources and social support systems required to access their rights in law. In cases where the Women on Farms Project has reported evictions to DLA, we often find the Extension of Security of Tenure Act (ESTA) is used as a rulebook to facilitate an 'ordered' displacement of farm workers. There is too much emphasis on the technical guidelines for making an eviction legal, rather than a focus on the spirit of the law – that is, to secure the tenure of farm workers.

Housing remains one of the most important livelihood needs of both on-farm and off-farm women workers.

From our work on farms, we know that women remain by and large dependent on male partners/ family members for tenure security. Our recent research into the living and working conditions on eight wine farms in the Western Cape (*Behind the Label*, 2005) once again confirmed that all housing contracts were in the name of male workers. Even in cases where women held permanent employment contracts alongside their male partners, housing contracts were still held in the names of male partners.

In a sector where the physical and emotional abuse of women by male partners and relatives is pervasive, this systemic discrimination against women further compromises women's abilities to leave abusive relationships and so further undermines the safety of women and their children. In light of the known correlation between gender-based violence and HIV/Aids infection rates, the prioritisation of housing for women could prove particularly strategic in a sector where HIV/Aids infection rates are believed to be escalating rapidly.

The trend towards increased casualisation of farm work has meant that the proportion of jobs held by women is rapidly increasing. However, since housing contracts are de-linked from seasonal work contracts, it can be expected that the provision of farm worker housing will decrease over time.

For all of these reasons, WFP argues that, as a starting point, a comprehensive review of tenure legislation affecting farm dwellers is long overdue and should involve all

relevant stakeholders. More attention should be paid to the process of participatory consultation and discussion with farm dwellers in the process of defining their housing needs on a case-by-case basis.

We further argue that housing should be prioritised for farm women to promote their social and economic independence. In cases where housing contracts/ titles are offered to couples, these should be registered in the name of both the woman and the man, with clear procedures for what should happen in the event of the relationship ending, with the bias in favour of women and their children. Expropriation and subdivision of lands in which farm worker housing is currently located should be more readily considered as an option. In such instances, municipalities need to demonstrate their commitment to services to farm worker housing as the lack of service provision is often used to argue against exercising this option.

The conception of the average farm worker as a male on-farm farm worker in permanent employment needs to shift to reflect the reality of the specialised needs of seasonal – predominantly female – workers who have to commute from employer to employer. While the new draft policy on farm worker housing focuses on migrant farm workers, the policy falls short on providing for the needs of seasonal and casual women farm workers.

**Contact:** Fatima Shabodien, Women on Farms Project, ([fatima@wfp.org.za](mailto:fatima@wfp.org.za))

## Useful websites

- **UN-Habitat:** Read more about the Global Campaign for Secure Tenure and the UN Commission on Human Rights-adopted resolution entitled 'Women's Equal Ownership of, Access to and Control over Land and the Equal Rights to own Property and to Adequate Housing' [www.unchs.org/campaigns/tenure/](http://www.unchs.org/campaigns/tenure/)
- **IRIN (Integrated Regional Information Networks)** is a UN humanitarian news and information service which features special reports about land reform in southern Africa [www.irinnews.org/](http://www.irinnews.org/)
- **Eldis**, hosted by the Institute for Development Studies at the University of Sussex, England, provides access to a wide range of online resources to land policy analysts and development practitioners [www.eldis.org](http://www.eldis.org)
- **The Institute for Development Studies ID21** website is a development research reporting service and feature regular reports on land and land reform in Southern Africa [www.id21.org](http://www.id21.org)
- **LandWeb**, which is part of MWENGO (development centre for NGOs) is a network and information exchange tool for NGOs working on land advocacy and issues in Eastern and Southern Africa [www.mwengo.org/land/](http://www.mwengo.org/land/)

## Upcoming events

- The **Department of Land Affairs** hosts a Summit on Land and Agriculture in July 2005 in Gauteng. Details available via the Ministry.
- The seminar programme is hosted by **PLAAS** and provides an opportunity to reflect, debate and engage on land and natural resource policy issues. The PLAAS seminar programme presents:
  - **Friday 17 June** Dr Edward Lahiff 'Market-based land reform: Is it a viable option for South Africa?'
  - **Friday 24 June** Karin Kleinbooi 'Women, Land and Farming in the communal areas of Namaqualand'.
  - **Friday 8 July** Dr Frank Matose 'Challenges to people-centred approaches in natural resources management in southern Africa: A synthesis of issues'.
  - **Friday 15 July** Dr Moenieba Isaacs 'Forestry and poverty reduction strategies'.
  - **Friday 12 August** Ruth Hall 'Agricultural policy in the new South Africa: Implications for land reform'.
- International conference organised by the French Institute of South Africa (IFAS), French Embassy of South Africa and London School of Economics – **The changing politics of land in Africa: Domestic policies, crisis management and regional norms**, 28–29 November 2005, University of Pretoria.

## Research update

In March 2005 the **Women on Farms Project (WFP)** released a summary of research on fruit farms in the Western Cape through a partnership with Action Aid UK under the title 'Tesco profits as women workers pay a high price'. The research investigated the conditions among casual women workers on farms accredited to supply Tesco in the UK. While Tesco recently announced it had made a profit of billions, thousands of South African women casual workers growing fruit on farms accredited by Tesco are being exploited as low prices and tougher standards are forced on local fruit farmers.

**Contact:** Nandi Mgijima, Women on Farms Project ([nandi@wfp.org.za](mailto:nandi@wfp.org.za))

PLAAS has recently published a number of research reports:

- Barbara Tapela. 2005. *Joint ventures and livelihoods in emerging small-scale irrigation schemes in greater Sekhukhune District: Perspectives from Hereford*. No. 21
- Ruth Hall. 2004. *Land and agrarian reform in South Africa: A status report*. No. 20
- Tom Lebert. 2004. *Municipal commonage as a form of land redistribution: A case study of the new farms of Leliefontein, a communal reserve in Namaqualand, South Africa*. No. 18
- Marc Wegerif. 2004. *A critical appraisal of South Africa's market-based land reform policy: The case of the Land Redistribution for Agricultural Development (LRAD) programme in Limpopo*. No. 19

## Sources

Commission on Restitution of Land Rights. 2004. Restitution statistics: <http://land.pwv.gov.za> | Civil society organisations | Newspaper clippings from *Business Day*, *Mail & Guardian*, *Sunday Times* and *Farmers Weekly*. | I-Net webpage | Department of Land Affairs National Treasury

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